

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:20-cv-21-MOC-DCK**

PHILIPS MEDICAL SYSTEMS
NEDERLAND B.V.; PHILIPS NORTH
AMERICA LLC; and PHILIPS INDIA LTD.,

Plaintiffs,

v.

TEC HOLDINGS, INC., F/K/A TRANSTATE
EQUIPMENT COMPANY, INC., TRANSTATE
EQUIPMENT COMPANY, INC., F/K/A
TRANSTATE HOLDINGS, INC., and ROBERT A.
("ANDY") WHEELER, individually and in his
capacity as executor and personal representative of
the Estate of DANIEL WHEELER,

Defendants.

AMENDED ORDER

THIS MATTER is before the Court on Defendants' Motion for Formal Determination of Liability and Trebled Damages re Jury Verdict. (Doc. No. 783). The motion is **GRANTED**.

This Order memorializes the Court's findings as a matter of law as to whether certain conduct by Plaintiff Philips, found by the jury, constitutes unfair and deceptive practices as a matter of law under N.C. GEN. STAT. § 75-1.1. Here, after the jury trial and on the Verdict Form, the jury found that Philips engaged in the following conduct and that the conduct proximately injured Defendants:

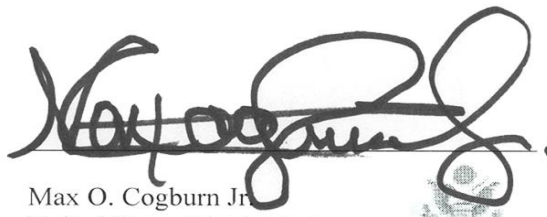
Philips refused to provide documents, programs, or information necessary to perform repair and maintenance on systems, in a timely or unhindered manner, to Transtate, the Wheelers, and/or TEC, so that they could properly service Allura and Azurion cath labs and/or CT systems.

The jury awarded damages based on this finding of \$848,348.

The Court finds that Philips' conduct, as found by the jury, constitutes an unfair and deceptive trade practice, in violation of N.C.G.S. § 75-1.1. Furthermore, the damages shall be trebled under N.C.G.S. § 75-16.1, for a total damages award of \$2,545,044.

IT IS SO ORDERED.

Signed: November 2, 2023



Max O. Cogburn Jr.
United States District Judge